



Entered on Docket
February 17, 2010

A handwritten signature in black ink, appearing to read "Riegle".

Hon. Linda B. Riegle
United States Bankruptcy Judge

LEWIS AND ROCA LLP

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11 Attorneys for USACM Liquidating Trust

12 UNITED STATES BANKRUPTCY COURT
13 DISTRICT OF NEVADA

14 In re:

15 USA COMMERCIAL MORTGAGE COMPANY,

16 USA CAPITAL REALTY ADVISORS, LLC,¹

17 USA CAPITAL DIVERSIFIED TRUST DEED
FUND, LLC,

18 USA CAPITAL FIRST TRUST DEED FUND, LLC,²

19 USA SECURITIES, LLC,³

20 Debtors.

21 **Affects:**

- All Debtors
- USA Commercial Mortgage Company
- USA Capital Realty Advisors, LLC
- USA Capital Diversified Trust Deed Fund, LLC
- USA Capital First Trust Deed Fund, LLC
- USA Securities, LLC

Case No. BK-S-06-10725-LBR

Case No. BK-S-06-10726-LBR¹

Case No. BK-S-06-10727-LBR

Case No. BK-S-06-10728-LBR²

Case No. BK-S-06-10729-LBR³

CHAPTER 11

Jointly Administered Under
Case No. BK-S-06-10725 LBR

**ORDER SUSTAINING OBJECTION OF
USACM TRUST TO PROOFS OF CLAIM
BASED UPON INVESTMENT IN
PRESERVE AT GALLERIA LOAN**

Hearing Date: February 5, 2010

Hearing Time: 9:30 a.m.

26 ¹ This bankruptcy case was closed on September 23, 2008.

² This bankruptcy case was closed on October 12, 2007.

³ This bankruptcy case was closed on December 21, 2007.

1 The Court having considered the “Objection Of USACM Trust To Proofs Of Claim
2 Based Upon Investment In Preserve At Galleria Loan (the “Preserve At Galleria Loan”)
3 [DE 7919] (the “Objection”); the Court having heard the Objection on February 5, 2010;
4 appropriate notice of the Objection having been given; no response to the Objection
5 having been filed; and good cause appearing:

6 **IT IS ORDERED** that:

7 1. The Objection [DE 7919] is sustained; and

8 2. The claims listed on **Exhibit A** attached are disallowed in the amounts
9 shown to the extent those claims are based upon individual investors’ investment in the
10 Preserve At Galleria Loan because the individual investors were paid in full on their
11 investments in the Preserve At Galleria Loan.

12 PREPARED AND RESPECTFULLY SUBMITTED BY:

13 **LEWIS AND ROCA LLP**

15 By /s/ John Hinderaker (018024)
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22 *Attorneys for USACM Liquidating Trust*

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1 In accordance with Local Rule 9021, the undersigned certifies:

2 The Court waived the requirements of LR 9021.

3 No parties appeared or filed written objections, and there is no trustee appointed
4 in this case.

5 I have delivered a copy of this proposed order to all counsel who appeared at the
6 hearing, any unrepresented parties who appeared at the hearing, and any trustee
7 appointed in this case, and each has approved or disapproved the order, or failed
to respond, as indicated below (list each party and whether the party has
approved, disapproved, or failed to respond to the document):

8 U.S. Trustee:	
9 <input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
10 <input checked="" type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document
11 Other Party:	
12 <input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
13 <input type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document

14 #####

15 Submitted by:

16 **LEWIS AND ROCA LLP**

18 By: /s/ JH (#018024)

19 Rob Charles
John Hinderaker (*pro hac vice*)
20 Attorneys for USACM Liquidating Trust

USACM TRUST
PAID LOAN OBJECTIONS

SINGLE LOAN CLAIMS
PRESERVE AT GALLERIA

Exhibit A

Claim	Name	Address	Total Claim Amount	Approximate Amount Subject to Objection Because it Relates to an Investment In the Preserve at Galleria Loan
10725-00993	Yonai, Gregory D Family Trust	Gregory D Yonai Trustee 1982 Country Cove Ct Las Vegas, NV 89135-1552	\$ 400.19	\$ 400.19